

FIRST REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 471

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES JOLLY, JOHNSON (90), WILLOUGHBY, KELLY (36), HAMPTON, BRITT, HOSMER, HARDING (Co-sponsors), CURLS, SHOEMYER, HAYWOOD, RIZZO, SKAGGS, VILLA, MERIDETH, LEVIN, LAWSON, WILLIAMS, SECREST, FROELKER, OSTMANN, MOORE, KELLEY (47), LOWE, COPENHAVER, COLEMAN AND REID.

Read 1<sup>st</sup> time January 22, 2001, and 1000 copies ordered printed.

Read 2<sup>nd</sup> time January 23, 2001, and referred to the Committee on Criminal Law, February 8, 2001.

Reported from the Committee on Criminal Law, March 15, 2001, with recommendation that the bill Do Pass.

Taken up for Perfection March 27, 2001. Bill ordered Perfected and printed.

TED WEDEL, Chief Clerk

1287L.01P

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### AN ACT

To repeal sections 195.222 and 195.223, RSMo 2000, relating to drug trafficking, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 195.222 and 195.223, RSMo 2000, are repealed and two new  
2 sections enacted in lieu thereof, to be known as sections 195.222 and 195.223, to read as follows:

195.222. 1. A person commits the crime of trafficking drugs in the first degree if, except  
2 as authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces  
3 or attempts to distribute, deliver, manufacture or produce more than thirty grams of a mixture  
4 or substance containing a detectable amount of heroin. Violations of this subsection shall be  
5 punished as follows:

6 (1) If the quantity involved is more than thirty grams but less than ninety grams the  
7 person shall be sentenced to the authorized term of imprisonment for a class A felony;

8 (2) If the quantity involved is ninety grams or more the person shall be sentenced to the  
9 authorized term of imprisonment for a class A felony which term shall be served without  
10 probation or parole.

11 2. A person commits the crime of trafficking drugs in the first degree if, except as  
12 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or

13 attempts to distribute, deliver, manufacture or produce more than one hundred fifty grams of a  
14 mixture or substance containing a detectable amount of coca leaves, except coca leaves and  
15 extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts  
16 have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers;  
17 ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture,  
18 or preparation which contains any quantity of any of the foregoing substances. Violations of this  
19 subsection shall be punished as follows:

20 (1) If the quantity involved is more than one hundred fifty grams but less than four  
21 hundred fifty grams the person shall be sentenced to the authorized term of imprisonment for a  
22 class A felony;

23 (2) If the quantity involved is four hundred fifty grams or more the person shall be  
24 sentenced to the authorized term of imprisonment for a class A felony which term shall be served  
25 without probation or parole.

26 3. A person commits the crime of trafficking drugs in the first degree if, except as  
27 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or  
28 attempts to distribute, deliver, manufacture or produce more than two grams of a mixture or  
29 substance described in subsection 2 of this section which contains cocaine base. Violations of  
30 this subsection shall be punished as follows:

31 (1) If the quantity involved is more than two grams but less than six grams the person  
32 shall be sentenced to the authorized term of imprisonment for a class A felony;

33 (2) If the quantity involved is six grams or more the person shall be sentenced to the  
34 authorized term of imprisonment for a class A felony which term shall be served without  
35 probation or parole.

36 4. A person commits the crime of trafficking drugs in the first degree if, except as  
37 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or  
38 attempts to distribute, deliver, manufacture or produce more than five hundred milligrams of a  
39 mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD).  
40 Violations of this subsection shall be punished as follows:

41 (1) If the quantity involved is more than five hundred milligrams but less than one gram  
42 the person shall be sentenced to the authorized term of imprisonment for a class A felony;

43 (2) If the quantity involved is one gram or more the person shall be sentenced to the  
44 authorized term of imprisonment for a class A felony which term shall be served without  
45 probation or parole.

46 5. A person commits the crime of trafficking drugs in the first degree if, except as  
47 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or  
48 attempts to distribute, deliver, manufacture or produce more than thirty grams of a mixture or

49 substance containing a detectable amount of phencyclidine (PCP). Violations of this subsection  
50 shall be punished as follows:

51 (1) If the quantity involved is more than thirty grams but less than ninety grams the  
52 person shall be sentenced to the authorized term of imprisonment for a class A felony;

53 (2) If the quantity involved is ninety grams or more the person shall be sentenced to the  
54 authorized term of imprisonment for a class A felony which term shall be served without  
55 probation or parole.

56 6. A person commits the crime of trafficking drugs in the first degree if, except as  
57 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or  
58 attempts to distribute, deliver, manufacture or produce more than four grams of phencyclidine.  
59 Violations of this subsection shall be punished as follows:

60 (1) If the quantity involved is more than four grams but less than twelve grams the  
61 person shall be sentenced to the authorized term of imprisonment for a class A felony;

62 (2) If the quantity involved is twelve grams or more the person shall be sentenced to the  
63 authorized term of imprisonment for a class A felony which term shall be served without  
64 probation or parole.

65 7. A person commits the crime of trafficking drugs in the first degree if, except as  
66 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or  
67 attempts to distribute, deliver, manufacture or produce more than thirty kilograms of a mixture  
68 or substance containing marijuana. Violations of this subsection shall be punished as follows:

69 (1) If the quantity involved is more than thirty kilograms but less than one hundred  
70 kilograms the person shall be sentenced to the authorized term of imprisonment for a class A  
71 felony;

72 (2) If the quantity involved is one hundred kilograms or more the person shall be  
73 sentenced to the authorized term of imprisonment for a class A felony which term shall be served  
74 without probation or parole.

75 8. A person commits the crime of trafficking drugs in the first degree if, except as  
76 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or  
77 attempts to distribute, deliver, manufacture or produce more than thirty grams of any material,  
78 compound, mixture or preparation which contains any quantity of the following substances  
79 having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers  
80 and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its  
81 optical isomers; phenmetrazine and its salts; or methylphenidate. Violations of this subsection  
82 or attempts to violate this subsection shall be punished as follows:

83 (1) If the quantity involved is more than thirty grams but less than ninety grams the  
84 person shall be sentenced to the authorized term of imprisonment for a class A felony;

85 (2) If the quantity involved is ninety grams or more, or if the quantity involved was thirty  
86 grams or more and the location of the offense was within two thousand feet of a school or public  
87 housing as defined in section 195.214 or section 195.218 or within a motor vehicle, or any  
88 structure or building which contains rooms furnished for the accommodation or lodging of  
89 guests, and kept, used, maintained, advertised, or held out to the public as a place where sleeping  
90 accommodations are sought for pay or compensation to transient guests or permanent guests, the  
91 person shall be sentenced to the authorized term of imprisonment for a class A felony which term  
92 shall be served without probation or parole.

93 **9. A person commits the crime of trafficking drugs in the first degree if, except as**  
94 **authorized by sections 195.005 to 195.425, he or she distributes, delivers, manufactures,**  
95 **produces or attempts to distribute, deliver, manufacture or produce more than thirty**  
96 **grams of any material, compound, mixture or preparation which contains any quantity of**  
97 **3,4-methylenedioxymethamphetamine. Violations of this subsection or attempts to violate**  
98 **this subsection shall be punished as follows:**

99 (1) If the quantity involved is more than thirty grams but less than ninety grams  
100 the person shall be sentenced to the authorized term of imprisonment for a class A felony;

101 (2) If the quantity involved is ninety grams or more, or if the quantity involved was  
102 thirty grams or more and the location of the offense was within two thousand feet of a  
103 school or public housing as defined in section 195.214 or section 195.218 or within a motor  
104 vehicle, or any structure or building which contains rooms furnished for the  
105 accommodation or lodging of guests, and kept, used, maintained, advertised, or held out  
106 to the public as a place where sleeping accommodations are sought for pay or  
107 compensation to transient guests or permanent guests, the person shall be sentenced to the  
108 authorized term of imprisonment for a class A felony which term shall be served without  
109 probation or parole.

195.223. 1. A person commits the crime of trafficking drugs in the second degree if,  
2 except as authorized by sections 195.005 to 195.425, he possesses or has under his control,  
3 purchases or attempts to purchase, or brings into this state more than thirty grams of a mixture  
4 or substance containing a detectable amount of heroin. Violations of this subsection shall be  
5 punished as follows:

6 (1) If the quantity involved is more than thirty grams but less than ninety grams the  
7 person shall be guilty of a class B felony;

8 (2) If the quantity involved is ninety grams or more the person shall be guilty of a class  
9 A felony.

10 2. A person commits the crime of trafficking drugs in the second degree if, except as  
11 authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or

12 attempts to purchase, or brings into this state more than one hundred fifty grams of a mixture or  
13 substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca  
14 leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been  
15 removed; cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine,  
16 its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or  
17 preparation which contains any quantity of any of the foregoing substances. Violations of this  
18 subsection shall be punished as follows:

19 (1) If the quantity involved is more than one hundred fifty grams but less than four  
20 hundred fifty grams the person shall be guilty of a class B felony;

21 (2) If the quantity involved is four hundred fifty grams or more the person shall be guilty  
22 of a class A felony.

23 3. A person commits the crime of trafficking drugs in the second degree if, except as  
24 authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or  
25 attempts to purchase, or brings into this state more than two grams of a mixture or substance  
26 described in subsection 2 of this section which contains cocaine base. Violations of this  
27 subsection shall be punished as follows:

28 (1) If the quantity involved is more than two grams but less than six grams the person  
29 shall be guilty of a class B felony;

30 (2) If the quantity involved is six grams or more the person shall be guilty of a class A  
31 felony.

32 4. A person commits the crime of trafficking drugs in the second degree if, except as  
33 authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or  
34 attempts to purchase, or brings into this state more than five hundred milligrams of a mixture or  
35 substance containing a detectable amount of lysergic acid diethylamide (LSD). Violations of this  
36 subsection shall be punished as follows:

37 (1) If the quantity involved is more than five hundred milligrams but less than one gram  
38 the person shall be guilty of a class B felony;

39 (2) If the quantity involved is one gram or more the person shall be guilty of a class A  
40 felony.

41 5. A person commits the crime of trafficking drugs in the second degree if, except as  
42 authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or  
43 attempts to purchase, or brings into this state more than thirty grams of a mixture or substance  
44 containing a detectable amount of phencyclidine (PCP). Violations of this subsection shall be  
45 punished as follows:

46 (1) If the quantity involved is more than thirty grams but less than ninety grams the  
47 person shall be guilty of a class B felony;

48           (2) If the quantity involved is ninety grams or more the person shall be guilty of a class  
49 A felony.

50           6. A person commits the crime of trafficking drugs in the second degree if, except as  
51 authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or  
52 attempts to purchase, or brings into this state more than four grams of phencyclidine. Violations  
53 of this subsection shall be punished as follows:

54           (1) If the quantity involved is more than four grams but less than twelve grams the  
55 person shall be guilty of a class B felony;

56           (2) If the quantity involved is twelve grams or more the person shall be guilty of a class  
57 A felony.

58           7. A person commits the crime of trafficking drugs in the second degree if, except as  
59 authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or  
60 attempts to purchase, or brings into this state more than thirty kilograms or more of a mixture  
61 or substance containing marijuana. Violations of this subsection shall be punished as follows:

62           (1) If the quantity involved is more than thirty kilograms but less than one hundred  
63 kilograms the person shall be guilty of a class B felony;

64           (2) If the quantity involved is one hundred kilograms or more the person shall be guilty  
65 of a class A felony.

66           8. A person commits the class A felony of trafficking drugs in the second degree if,  
67 except as authorized by sections 195.005 to 195.425, he possesses or has under his control,  
68 purchases or attempts to purchase, or brings into this state more than five hundred marijuana  
69 plants.

70           9. A person commits the crime of trafficking drugs in the second degree if, except as  
71 authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or  
72 attempts to purchase, or brings into this state more than thirty grams of any material, compound,  
73 mixture or preparation which contains any quantity of the following substances having a  
74 stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts  
75 of its optical isomers; methamphetamine, its salts, isomers and salts of its isomers;  
76 phenmetrazine and its salts; or methylphenidate. Violations of this subsection or attempts to  
77 violate this subsection shall be punished as follows:

78           (1) If the quantity involved is more than thirty grams but less than ninety grams the  
79 person shall be guilty of a class B felony;

80           (2) If the quantity involved is ninety grams or more but less than four hundred fifty  
81 grams, the person shall be guilty of a class A felony;

82           (3) If the quantity involved is four hundred fifty grams or more, the person shall be guilty  
83 of a class A felony and the term of imprisonment shall be served without probation or parole.

84           **10. A person commits the crime of trafficking drugs in the second degree if, except**  
85 **as authorized by sections 195.005 to 195.425, he or she possesses or has under his or her**  
86 **control, purchases or attempts to purchase, or brings into this state more than thirty grams**  
87 **of any material, compound, mixture or preparation which contains any quantity of 3,4-**  
88 **methylenedioxymethamphetamine. Violations of this subsection or attempts to violate this**  
89 **subsection shall be punished as follows:**

90           **(1) If the quantity involved is more than thirty grams but less than ninety grams**  
91 **the person shall be guilty of a class B felony;**

92           **(2) If the quantity involved is ninety grams or more but less than four hundred fifty**  
93 **grams, the person shall be guilty of a class A felony;**

94           **(3) If the quantity involved is four hundred fifty grams or more, the person shall**  
95 **be guilty of a class A felony and the term of imprisonment shall be served without**  
96 **probation or parole.**